

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
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State of Hawaii  
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SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

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Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE**

February 5, 2015  
8:30 A.M.  
CONFERENCE ROOM 312

**HOUSE BILL NO. 1273  
RELATING TO RENEWABLE ENERGY**

Chairperson Tsuji and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1273. The purpose of this measure is to authorize development of hydroelectric facilities on agricultural lands, provided they comply with instream flow standards, are accessory to agricultural activities, and do not adversely impact or impede the use of agricultural land or the availability of use of water for irrigation on abutting parcels. The Department of Agriculture supports the intent of this measure and offers two amendments.

Section 1 of the bill (page 1, lines 11-13) states that hydroelectric facilities are not included as a permissible use on agricultural lands. If the intent of the hydroelectric facility is to produce electricity to be used by an agricultural activity, an amendment to Section 205-4.5(a)(10), HRS (see underscored text below), incorporating the language in House Bill No. 1273, page 19, line 4-10 may be sufficient to achieve the stated purpose.

“ (10) Buildings and uses, including mills, storage, and processing facilities, maintenance facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing



energy solely for use in the agricultural activities of the fee or leasehold owner of the property, and vehicle and equipment storage areas that are normally considered directly accessory to the above-mentioned uses and are permitted under section 205-2(d);"

Many irrigation systems service lands beyond the property abutting the system. For instance, the streams feeding Lake Wilson near Wahiawa on Oahu provides irrigation water to thousands of acres of north shore land many miles from the source of the surface water. We recommend the following amendment to item (C), page 19, lines 7-10 to reflect this.

" (C) Do not adversely impact or impede the use of agricultural land or the availability of surface or groundwater for irrigation use on all ~~abutting~~ parcels serviced by the groundwater sources or streams for which hydroelectric facilities are considered."

Thank you for the opportunity to present our testimony.



DAVID Y. IGE  
GOVERNOR

LUIS P. SALAVERIA  
DIRECTOR

MARY ALICE EVANS  
DEPUTY DIRECTOR

## DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of  
**LUIS P. SALAVERIA**  
**Director**

Department of Business, Economic Development, and Tourism  
before the

**HOUSE COMMITTEE ON AGRICULTURE**

Thursday, February 5, 2015  
8:30 a.m.  
State Capitol, Conference Room 312

in consideration of  
**HB 1273**

**RELATING TO RENEWABLE ENERGY.**

Chair Tsuji, Vice Chair Onishi, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the intent of HB 1273, which includes hydroelectric facilities as a permissible use on agricultural lands if the hydroelectric facilities are accessory to agricultural activities.

Permitting hydropower facilities in State Agricultural Districts, as long as the hydropower facilities are accessory to agricultural activities, could support Hawaii's agricultural industry by providing clean energy at a fixed cost for on-site agricultural operations. DBEDT notes that other types of renewable energy are currently permitted within the Agricultural District, including solar (limited), biofuel, wind, and geothermal. DBEDT respectfully suggests that adding hydropower to the types of renewable energy permitted in Agricultural Districts would provide hydropower developers similar opportunities already afforded to other renewable energy developers regarding use of agricultural lands.

DBEDT defers to the appropriate agencies regarding the provisions of this measure impacting the permitting of hydropower facilities.

Thank you for the opportunity to offer these comments on HB 1273.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of  
CARTY S. CHANG  
Interim Chairperson**

**Before the House Committee on  
AGRICULTURE**

**Thursday, February 5, 2015  
8:30 AM  
State Capitol, Conference Room 312**

**In consideration of  
HOUSE BILL 1273  
RELATING TO RENEWABLE ENERGY**

House Bill 1273 proposes to amend Section 205, Hawaii Revised Statutes (HRS), to include hydroelectric facilities as a permissible use on agricultural lands if the hydroelectric facilities are accessory to agricultural activities. **The Department of Land and Natural Resources (Department) offers the following comments.**

The proposed addition of paragraph (23)(A) under subsection 205-4.5(a) recognizes the need for compliance with instream flow standards established by the Department's Commission on Water Resource Management. At a minimum, we recommend that the amendment clarify that compliance with both interim and permanent instream flow standards is required, as well as compliance with all applicable surface water permitting regulations. However, it may be better to more broadly state that compliance with the State Water Code, Chapter 174C, HRS, is required, which would include but not be limited to compliance with interim and permanent instream flow standards and surface water permitting regulations.

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
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February 5, 2015

HEARING BEFORE THE  
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 1273  
RELATING TO RENEWABLE ENERGY

Room 312  
8:30 AM

Aloha Chair Tsuji, Vice Chair Onishi, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFB). Organized since 1948, the HFBF is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

**HFB supports the intent of HB 1273**, which includes hydroelectric facilities as a permissible use on agricultural lands if the hydroelectric facilities are accessory to agricultural activities.

Renewable energy is important to the State's energy goals. Hydroelectric facilities can serve as a feasible alternative energy source to meet such goals. That said, viable farming and ranching activities on agricultural lands must be maintained in order to retain agricultural lands for future generations. Lands capable of supporting viable agricultural activities should be protected and kept in agriculture. Hydroelectric facilities can provide the State with alternative energy options, as long as it is secondary to agricultural activities on agricultural lands.

Thank you for this opportunity to provide testimony on this measure.